

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DEVON PAGE HARTMAN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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Case No. 18-12887

SENIOR U.S. STATES DISTRICT  
JUDGE ARTHUR J. TARNOV

U.S. MAGISTRATE JUDGE  
DAVID R. GRAND

**ORDER ADOPTING THE REPORT AND RECOMMENDATION [15]; GRANTING IN PART AND DENYING IN PART PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT [12]; AND DENYING DEFENDANT’S MOTION FOR SUMMARY JUDGMENT [13]**

Plaintiff, Devon Page Hartman, has sought judicial review of an Administrative Law Judge (ALJ) decision denying her application for disability benefits. On July 2, 2019, the Magistrate Judge issued a Report and Recommendation (“R&R”) [Dkt. 15] on the parties’ motions for summary judgment [12, 13]. Neither party filed any objection to the R&R. The Magistrate Judge determined that the matter should be remanded because the Administrative Law Judge (“ALJ”) failed to consider several of Ms. Hartman’s treating and examining source opinions. The R&R found that the ALJ cherry-picked lines from the treating physician’s notes while ignoring opinions and observations that conflicted with those of the agency consultants, even though the former were consistent with the bulk of the evidence.

The Magistrate Judge therefore found that the ALJ's decision was not supported by substantial evidence. "The record contains five opinions from treating or examining sources, all of whom opined that Hartman was significantly limited by her psychological impairments in a way that would materially negatively impact her ability to perform work on a sustained basis." (R&R at 27). The Magistrate Judge recommended that the case be remanded to the ALJ to consider all of the evidence on the Record.

The Court having reviewed the record, the Report and Recommendation [15] is hereby **ADOPTED** and entered as the findings and conclusions of the Court.

Accordingly,

**IT IS ORDERED** that Plaintiff's Motion for Summary Judgment [12] is **GRANTED** insofar as it seeks remand and **DENIED** insofar as it seeks an award of benefits.

**IT IS FURTHER ORDERED** that Defendant's Motion for Summary Judgment [13] is **DENIED**.

**IT IS FURTHER ORDERED** that this case be **REMANDED** to the Commissioner for further proceedings consistent with this Order.

**SO ORDERED.**

Dated: July 29, 2019

s/Arthur J. Tarnow  
Arthur J. Tarnow  
Senior United States District Judge